

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2013-2
DECEMBER 10, 2013 SESSION

FILED

DEC 10 2013

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:13-cr-00314

18 U.S.C. § 1343

18 U.S.C. § 1349

18 U.S.C. § 2

KACEY K. MOISE
CHARNITA E. RYLAND
SHERAY J. MCKAY

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

Parties

At all times relevant to this Indictment:

1. KACEY K. MOISE resided in New York.
2. CHARNITA E. RYLAND resided in Maryland.
3. SHERAY J. MCKAY resided in Maryland.

The Scheme to Defraud

4. Beginning in or about November 7, 2012, and continuing through November 13, 2012, defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY, and others, devised and intended to devise a scheme and artifice to defraud elderly individuals, and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, as follows.

Manner and Means of the Scheme to Defraud

5. As part of the scheme to defraud, individuals purporting to be family relatives, clergymen, lawyers or legal assistants called elderly individuals at their homes to solicit money from the elderly individuals under false pretenses.

6. It was a part of the scheme for the callers to alarm and instill a sense of urgency in, and appeal to the compassion of, the elderly individuals in order to obtain money from them.

7. In pretending to be the clergymen or family members of the elderly individuals, or the lawyers or legal assistants representing the purported clergymen and family members, the callers claimed that they needed money immediately due to exigent circumstances. For example, the callers claimed that they (the purported clergymen or family members) had been arrested for driving while intoxicated, and had had a motor vehicle accident. In other calls, the callers pretended that they were the lawyer or lawyer's legal assistant calling on behalf of the elderly individual's clergymen or family member who allegedly had been arrested for driving while intoxicated, and had had a motor vehicle accident. The purported lawyer sometimes identified himself, or was referred to, as "David Wiseman." On other calls, defendant SHERAY J. MCKAY pretended to be, or was referred to as, the purported lawyer, or, alternatively, the purported lawyer's legal assistant.

8. It was further part of the scheme to defraud that the callers instructed the elderly individuals to wire money immediately to defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY so that the purported clergymen or family members could allegedly post bond and pay attorney's fees to get out of jail, and also pay for the damage caused by their alleged car accidents.

9. In reliance upon the misrepresentations by the callers, and as instructed, numerous elderly individuals wired thousands of dollars to the defendants - money that these elderly individuals were hard-pressed to send because of their limited funds. In all, based upon their fraudulent scheme, these elderly individuals wired approximately \$60,000 to defendants KACEY E. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY in about a one-week period of time.

10. It was a further part of the fraudulent scheme that, after the elderly individuals complied with the callers' instructions and wired the requested money, the callers would continue to pressure the elderly individuals to give yet more money by repeatedly calling them, claiming that the money had not been received, or that additional monies were necessary to pay legal and court-related fees. The callers would not cease calling the elderly individuals until the elderly individuals ran out of money to send or challenged the callers' identity, or someone intervened on behalf of the elderly individuals.

11. It was a further part of the scheme that defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY picked up the monies from the wire transfers sent by the elderly individuals, kept a portion of the monies for themselves, and gave the rest of the monies from each wire transfer to other individuals who were not the clergymen, family members, or lawyers or legal assistants for the purported clergymen or family members.

The Conspiracy

12. Beginning on a date unknown, but no later than in or about November 7, 2012, and continuing through at least November 13, 2012, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia, and elsewhere, defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY, did knowingly and intentionally attempt and conspire with each other and other persons known and unknown to the grand jury to commit an offense against the United States, namely, wire fraud, in violation of Title 18, United States Code, Section 1343.

Object of the Conspiracy

13. It was a part and object of the conspiracy that defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY, and others, having devised and intending to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and omissions, caused to be transmitted by means of wire, radio, and

television communication in interstate commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme or artifice, in violation of Title 18, United States Code, Section 1343.

Overt Acts of the Conspiracy

14. In furtherance of the conspiracy and to effect its objects, defendants KACEY K. MOISE, CHARNITA E. RYLAND, and SHERAY J. MCKAY, and others, committed and caused to be committed the following overt acts, among others, in the Southern District of West Virginia and elsewhere:

(a) On or about November 7, 2012, caused J.M., 77 years old, to send a wire transfer of \$2,500 from Minnesota to New York, ID No. 4993816890;

(b) On or about November 7, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 4993816890;

(c) On or about November 8, 2012, caused R.J., 78 years old, to send a wire transfer of \$2,500 from Minnesota to New York, ID No. 61016688;

(d) On or about November 8, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 61016688;

(e) On or about November 8, 2012, caused L.F., 95 years old, to send a wire transfer of \$1,700 from Virginia to Maryland, ID No. 39491581;

(f) On or about November 8, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 39491581;

(g) On or about November 8, 2012, caused J.C., 75 years old, to send a wire transfer of \$2,300 from West Virginia to Maryland, ID No. 37074861;

(h) On or about November 8, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 37074861;

(i) On or about November 8, 2012, caused C.S., 79 years old, to send a wire transfer of \$2,800 from West Virginia to New York, ID No. 0193174692;

(j) On or about November 8, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 0193174692;

(k) On or about November 8, 2012, caused C.S., 79 years old, to send a wire transfer of \$2,450 from West Virginia to New York, ID No. 93063924;

(l) On or about November 8, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 93063924;

(m) On or about November 8, 2012, caused G.S., 92 years old, to send a wire transfer of \$2,300 from West Virginia to New York, ID No. 70007647;

(n) On or about November 8, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 70007647;

(o) On or about November 9, 2012, caused J.C., 75 years old, to send a wire transfer of \$2,100 from West Virginia to Maryland, ID No. 27521420;

(p) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 27521420;

(q) On or about November 9, 2012, caused J.C., 75 years old, to send another wire transfer of \$2,100 from West Virginia to Maryland, wire transfer ID No. 0322228207;

(r) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 0322228207;

(s) On or about November 9, 2012, caused D.S., 78 years old, to send a wire transfer of \$2,600 from West Virginia to New York, ID No. 9262913754;

(t) On or about November 9, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 9262913754.

(u) On or about November 9, 2012, caused C.A., 73 years old, to send a wire transfer of \$1,900 from Oklahoma to Maryland, ID No. 53212343;

(v) On or about November 9, 2012, defendant CHARNITA E. RYLAND picked up the funds from wire transfer ID No. 53212343;

(w) On or about November 9, 2012, caused C.A., 73 years old, to send a wire transfer of \$2,100 from Oklahoma to Maryland, ID No. 3945212406;

(x) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 3945212406;

(y) On or about November 9, 2012, caused J.F., 74 years old, to send a wire transfer of \$1,800 from Oklahoma to Maryland, ID No. 24881927;

(z) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 24881927;

(aa) On or about November 9, 2012, caused C.L., 74 years old, to send a wire transfer of \$2,700 from Minnesota to New York, ID No. 5878439485;

(bb) On or about November 9, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 5878439485;

(cc) On or about November 9, 2012, caused C.L., 74 years old, to send a wire transfer of \$1,900 from Minnesota to New York, ID No. 2849364291;

(dd) On or about November 9, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 2849364291;

(ee) On or about November 9, 2012, caused C.C., 70 years old, to send a wire transfer of \$1,800 from California to Maryland, ID No. 35314179;

(ff) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 35314179;

(gg) On or about November 9, 2012, caused C.C., 70 years old, to send a wire transfer of \$1,700 from California to Maryland, ID No. 73700931;

(hh) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 73700931;

(ii) On or about November 9, 2012, caused M.B., 82 years old, to send a wire transfer of \$2,300 from California to Maryland, ID No. 89076949;

(jj) On or about November 9, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 89076949;

(kk) On or about November 9, 2012, caused N.F., 73 years old, to send a wire transfer of \$2,200 from Oklahoma to New York, ID No. 9649055604;

(ll) On or about November 9, 2012, defendant KACEY K. MOISE picked up the funds from wire transfer ID No. 9649055604;

(mm) On or about November 10, 2012, caused J.C., 75 years old, to send a wire transfer of \$2,500 from West Virginia to New York, ID No. 2803672058;

(nn) On or about November 10, 2012, defendant KACEY K. MOISE picked up the funds J.C. from wire transfer ID No. 2803672058;

(oo) On or about November 13, 2012, caused J.C., 76 years old, to send a wire transfer of \$2,500 from West Virginia to Maryland, ID No. 58409514;

(pp) On or about November 13, 2012, defendant CHARNITA E. RYLAND picked up the funds from wire transfer ID No. 58409514;

(qq) On or about November 13, 2012, caused L.A., 80 years old, to send a wire transfer of \$1,900 from Oklahoma to Maryland, ID No. 77818153;

(rr) On or about November 13, 2012, defendant CHARNITA E. RYLAND picked up the funds from wire transfer ID No. 77818153;

(ss) On or about November 13, 2012, caused R.V., 80 years old, to send a wire transfer of \$2,300 from California to Maryland, ID No. 96137836;

(tt) On or about November 13, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 96137836;

(uu) On or about November 13, 2012, caused R.V., 80 years old, to send a second wire transfer of \$2,100 from California to Maryland, ID No. 3793534787;

(vv) On or about November 13, 2012, defendant SHERAY J. MCKAY picked up the funds from wire transfer ID No. 3793534787;

(ww) On or about November 13, 2012, caused J.S., 89 years old, to send a wire transfer of \$2,300 from West Virginia to Maryland, ID No. 0149814586;

(xx) On or about November 13, 2012, defendant CHARNITA E. RYLAND picked up the funds from wire transfer ID No. 0149814586;

(yy) On or about November 13, 2012, caused J.S., 89 years old, to send a wire transfer of \$2,500 from West Virginia to Maryland, ID No. 1243342846; and

(zz) On or about November 13, 2012, defendant CHARNITA E. RYLAND picked up the funds from wire transfer ID No. 1243342846.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO - FOUR(Wire Fraud)

1. Paragraphs 1 through 14 of Count One of this Indictment are re-alleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in the Southern District of West Virginia and elsewhere, defendant SHERAY J. MCKAY, and others, having devised and intending to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, promises, and omissions, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly cause to be transmitted in interstate commerce by a wire communication certain writings, signs, signals, and pictures, and did aid and abet the same, as follows:

| COUNT | DATE | DESCRIPTION OF WIRE | FROM | TO |
|-------|---------|--|---------------|----------|
| Two | 11/8/12 | \$2,300 Wire Transfer by J.C., ID No. 37074861 | West Virginia | Maryland |
| Three | 11/9/12 | \$2,100 Wire Transfer by J.C., ID No. 27521420 | West Virginia | Maryland |
| Four | 11/9/12 | \$2,100 Wire Transfer by J.C., ID No. 0322228207 | West Virginia | Maryland |

In violation of Title 18, United States Code, Sections 1343 and

2.

COUNTS FIVE - SEVEN(Wire Fraud)

1. Paragraphs 1 through 14 of Count One of this Indictment are re-alleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in the Southern District of West Virginia and elsewhere, defendant CHARNITA E. RYLAND, and others, having devised and intending to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, promises, and omissions, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly cause to be transmitted in interstate commerce by a wire communication certain writings, signs, signals, and pictures, and did aid and abet the same, as follows:

| COUNT | DATE | DESCRIPTION OF WIRE | FROM | TO |
|-------|----------|--|---------------|----------|
| Five | 11/13/12 | \$2,500 Wire Transfer by J.C., ID No. 58409514 | West Virginia | Maryland |
| Six | 11/13/12 | \$2,300 Wire Transfer by J.S., ID No. 0149814586 | West Virginia | Maryland |
| Seven | 11/13/12 | \$2,500 Wire Transfer by J.S., ID No. 1243342846 | West Virginia | Maryland |

In violation of Title 18, United States Code, Sections 1343 and

2.

COUNTS EIGHT - TWELVE(Wire Fraud)

1. Paragraphs 1 through 14 of Count One of this Indictment are re-alleged and incorporated as if fully set forth herein.

2. On or about the dates set forth below, in the Southern District of West Virginia and elsewhere, defendant KACEY K. MOISE, and others, having devised and intending to devise a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, promises, and omissions, for the purpose of executing such scheme and artifice and attempting to do so, did knowingly cause to be transmitted in interstate commerce by a wire communication certain writings, signs, signals, and pictures, and did aid and abet the same, as follows:

| COUNT | DATE | DESCRIPTION OF WIRE | FROM | TO |
|--------|----------|--|---------------|----------|
| Eight | 11/8/12 | \$2,800 wire transfer by C.S., ID No. 0193174692 | West Virginia | New York |
| Nine | 11/8/12 | \$2,450 wire transfer by C.S., ID No. 93063924 | West Virginia | New York |
| Ten | 11/8/12 | \$2,300 wire transfer by G.S., ID No. 70007647 | West Virginia | New York |
| Eleven | 11/9/12 | \$2,600 wire transfer by D.S., 9262913754 | West Virginia | New York |
| Twelve | 11/10/12 | \$2,500 wire transfer by J.C., ID No. 2803672058 | West Virginia | New York |

All in violation of Title 18, United States Code, Sections 1343
and 2.

R. BOOTH GOODWIN II
United States Attorney

By:

A handwritten signature in dark ink, appearing to read "Eumi L. Choi", written over a horizontal line.

EUMI L. CHOI
Assistant United States Attorney